



Order Filed on March 10, 2022  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

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Attorneys for Secured Creditor

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

In re:	Chapter 13
Daniel W. Cluff, III, <i>aka Daniel Webster Cluff, III</i>	Case No. 21-19797-JNP
	Hearing Date: April 20, 2022 at 10:00 a.m.
Debtor.	Judge: Jerrold N. Poslusny, Jr.

**CONSENT ORDER RESOLVING PLAN OBJECTION AND OUTLINING THE  
TREATMENT OF SECURED CREDITOR LEGACY MORTGAGE ASSET TRUST  
2019-GS7 BY NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING**

The relief set forth on the following pages, number two (2) through three (3) is hereby

**ORDERED**

**DATED: March 10, 2022**

  
\_\_\_\_\_  
Honorable Jerrold N. Poslusny, Jr.  
United States Bankruptcy Court

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Debtor: Daniel W. Cluff, III  
Case No.: 21-19797-JNP  
Caption of Order: **CONSENT ORDER RESOLVING PLAN OBJECTION AND  
OUTLINING THE TREATMENT OF SECURED  
CREDITOR LEGACY MORTGAGE ASSET TRUST 2019-  
GS7 BY NEWREZ LLC D/B/A SHELLPOINT MORTGAGE  
SERVICING**

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The undersigned parties resolved Legacy Mortgage Asset Trust 2019-GS7 by NewrRez LLC d/b/a Shellpoint Mortgage Servicing, ("Secured Creditor") Objection to Plan Confirmation, ECF No. 15, and agree to the following treatment of the secured claim filed by Secured Creditor on the Claims Register as Claim No. 1 (the "Secured Claim"), through Daniel W. Cluff, III's ("Debtor") Chapter 13 Plan, ECF No. 3 (the "Plan"), with respect to Secured Creditor's lien on the real property located at 244 Fishing Creek Road, Cape May, New Jersey 08204 (the "Property"), as follows and have consented to the entry of the within Order;

**ORDERED AS FOLLOWS:**

1. Secured Creditor's Objection to Plan Confirmation (ECF No. 15) is hereby resolved by this Order.
2. Debtor shall pursue a loan modification through the Court's loss mitigation program and has until September 30, 2022 to obtain a loan modification. Should the Debtor be approved for a trial modification, the parties may consent to a further extension of loss mitigation.
3. The parties agree that if the Debtor is unable to successfully modify the loan by September 30, 2022, Debtor shall resolve all pre and post-petition arrears owed to Secured Creditor, either by filing a modified plan or by filing a modified plan providing for surrender the Property.
4. Debtor shall make adequate protection payments in the amount of \$1,817.27 directly to the Secured Creditor while the loan modification is being reviewed. Secured Creditor does not waive any difference between the actual mortgage payments previously due and that will continue to become due for this period and the adequate protection payments.

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Debtor: Daniel W. Cluff, III  
Case No.: 21-19797  
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SERVICING**

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5. Debtor is hereby notified and acknowledges that the escrow payment is subject to change during the pendency of this case and that she shall adjust adequate protection payments to pay the full escrow amount in accordance with any filed payment change notice.
6. If Debtor should default and fail to make future post-petition payments to Secured Creditor that come due during the pendency of this case for thirty (30) days from the due date, Secured Creditor's counsel may submit a certification of default on notice to Debtor and Debtor's counsel and the Court may enter an Order vacating the automatic stay permitting Secured Creditor to proceed with its action against the Property.
7. Upon dismissal, discharge chapter conversion, or relief from stay, the foregoing terms and conditions shall cease to be binding payments will be due pursuant to the terms of the original loan agreement and Secured Creditor may proceed to enforce its remedies under applicable non-bankruptcy law against the Property and/or against the Debtor.

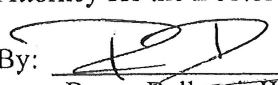
Consent to Form and Entry

McCalla Raymer Leibert Pierce, LLC  
Attorney for the Secured Creditor

By:   
Phillip Raymond

Date: 3.10.2022

BellucciLaw, P.C.  
Attorney for the Debtor

By:   
Bruno Bellucci, III

Date: 3-10-22

In re:  
Daniel W. Cluff, III  
Debtor

Case No. 21-19797-JNP  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-1  
Date Rcvd: Mar 10, 2022

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 12, 2022:

Recip ID	Recipient Name and Address
db	+ Daniel W. Cluff, III, 244 Fishing Creek, Cape May, NJ 08204-4422

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 12, 2022

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 10, 2022 at the address(es) listed below:

Name	Email Address
Bruno Bellucci, III	on behalf of Debtor Daniel W. Cluff III jkearney@belluccilaw.net, bbellucci@belluccilaw.net, jkearney@belluccilaw.net, kpalermo@belluccilaw.net
Denise E. Carlon	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION dcarlon@kmlawgroup.com, bkggroup@kmlawgroup.com
Isabel C. Balboa	ecfmail@standingtrustee.com summarymail@standingtrustee.com
Phillip Andrew Raymond	on behalf of Creditor Legacy Mortgage Asset Trust 2019-GS7 phillip.raymond@mccalla.com mccallaecf@ecf.courtdrive.com
U.S. Trustee	USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5